

# DOWNEY ASSOCIATION OF REALTORS®, INC.

12073 Paramount Blvd. Downey, California 90242 (562) 861-0915 • Fax (562) 923-9995 www.daor.com

Re: **Request for Disciplinary Complaint**

Dear:

As you requested, please find enclosed the following information to assist you in filing a disciplinary complaint with the Downey Association of Realtors®:

- (1) A blank Complaint Form (form D-1) and Instructions
- (2) The 2005 National Association of Realtors® Code of Ethics
- (3) The Association's MLS Rules and Regulations
- (4) A copy of the *California Code of Ethics and Arbitration Manual*

Please be informed that for a complaint to be considered filed timely with the Association, the complaint must be filed within one hundred and eighty (180) calendar days after the facts constituting the alleged wrongful conduct occurred. Also, you may want to become familiar with the *California Code of Ethics and Arbitration Manual* as this is the set of rules that are used to process complaints filed with the Association. Finally, it should be reminded that since the Association is not a governmental entity, it does not have the authority to take action regarding the licensing status of its members.

If you have any questions regarding the filing of your complaint or the information enclosed, please feel free to call me at 562-861-0915.

Sincerely,

DOWNEY ASSOCIATION OF REALTORS®, INC.

Jeanette Baumann, Executive Vice President

**FORM DISCIPLINARY COMPLAINT**  
**ASSOCIATION OF REALTORS®**

For Association Use Only Case No. _____ Complaint Received: _____, 20__
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1. I (we), the undersigned complainant(s), hereby allege that the following persons have engaged in conduct subject to disciplinary action by the Association:

**RESPONDENT(S):**

**RESPONDENT(S):**

(1) \_\_\_\_\_  
Name (Type or Print)

(3) \_\_\_\_\_  
Name of Manager (Type or Print)

Firm \_\_\_\_\_

Firm \_\_\_\_\_

Street Address \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

City, State, Zip \_\_\_\_\_

(2) \_\_\_\_\_  
Name (Type or Print)

(4) \_\_\_\_\_  
Name (Type or Print)

Firm \_\_\_\_\_

Firm \_\_\_\_\_

Street Address \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

City, State, Zip \_\_\_\_\_

2. The above named respondents have violated the following:

Code of Ethics violations:

- Article 1: REALTORS® owe a fiduciary duty to their clients.
- Article 2: REALTORS® must avoid concealment of pertinent facts.
- Article 3: REALTORS® must cooperate with other brokers.
- Article 4: REALTORS® must disclose any interest they have in a property they are buying or selling.
- Article 5: REALTORS® must disclose any contemplated interest they have in property for which they are providing professional services.
- Article 6: REALTORS® cannot accept profit on expenditures made for their client or recommendations to their client without disclosure.
- Article 7: REALTORS® must disclose and obtain consent to accept compensation from more than one party.
- Article 8: REALTORS® must keep a trust account for clients' funds.
- Article 9: REALTORS® must insure that all agreements are in writing and clear.

- Article 10: REALTORS® must not discriminate in their business on the basis of race, color, religion, sex, handicap, familial status or native origin.
- Article 11: REALTORS® must provide competent service.
- Article 12: REALTORS® must present a true picture in advertising.
- Article 13: REALTORS® must not engage in the unauthorized practice of law.
- Article 14: REALTORS® must cooperate in professional standards proceedings.
- Article 15: REALTORS® must not knowingly lie about competitors.
- Article 16: REALTORS® must not interfere with the exclusive representation agreements of other REALTORS®.
- Article 17; REALTORS® must arbitrate contractual disputes and certain non-contractual disputes arising out of the real estate business.
- Section(s) \_\_\_\_\_ of the MLS Rules and Regulations
- Other membership duty as set forth in the bylaws of the Association (specify):

3. The facts and circumstances supporting the above allegation(s) are detailed in the attached statement marked "Exhibit 1," which is hereby incorporated by reference and made part of this complaint.
4. I am informed that the named respondents are current REALTOR® members of the Association and/or participants/subscribers in the MLS.
5. Date of knowledge of alleged misconduct \_\_\_\_\_ This complaint must be filed within 180 calendar days after the facts constituting alleged misconduct could have been known in the exercise of reasonable diligence.
6. Are the circumstances giving rise to this complaint, or the respondents in this case, involved in a civil or criminal proceeding or in any proceeding before a governmental agency?  
 YES \_\_\_\_\_ NO \_\_\_\_\_ If you answered yes, please attach a written statement of explanation.
7. Have you filed, or do you plan to file a similar or related complaint with another Association of REALTORS®?  
 YES \_\_\_\_\_ NO \_\_\_\_\_ If you answered yes, please attach a written statement of explanation.
8. I understand that this complaint may not result in a hearing. It may result in a fine being imposed on the respondent(s), the respondent(s) may attend an ethics class in lieu of a fine, respondent(s) may have a circuit court hearing where they may argue for a reduction in fine or the matter may go to a full disciplinary hearing. I also acknowledge that these proceedings are confidential and that I have an obligation to maintain and protect the confidentiality of these proceedings and any resulting decision. I hereby agree to do so unless authorized by the Association's rules and procedures or required by law to do otherwise.
9. I understand there will be a tape recording of any full disciplinary hearing. I understand that the tape recording is subject to the rules of confidentiality and is made solely for the purpose of a Review by the Association Board of Directors, if one is requested.

10. I agree to abide by the rules and procedures used by this Association to conduct disciplinary hearings.

**Under the penalties of perjury, I declare that to the best of my knowledge and belief my allegations in this complaint are true and correct.**

Dated: \_\_\_\_\_ at \_\_\_\_\_, California

**COMPLAINANT(S):**

(1) \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Type or Print)

Firm \_\_\_\_\_

Street Address \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip

Phone \_\_\_\_\_

(2) \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Type or Print)

\_\_\_\_\_  
Firm

Street Address \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**COMPLAINANT(S):**

(3) \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Type or Print)

Firm \_\_\_\_\_

Street Address \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip

Phone \_\_\_\_\_

(4) \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Type or Print)

\_\_\_\_\_  
Firm

Street Address \_\_\_\_\_

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone